

In re Patent Application of:
FOX ET AL.
Serial No. **09/500,108**
Filing Date: **2/8/00**

REMARKS

Claims 1-36 remain in this application. Claims 1, 7, 13, 19, 25, and 31 have been amended. No claims have been cancelled.

Applicants file a Request for Continued Examination (RCE) with this After Final Amendment.

Applicants thank the Examiner for the detailed study of the application and prior art.

Also, Applicants note that an Information Disclosure Statement and PTO-1449 form was filed in this application on July 26, 2004. The Office Action mailed February 3, 2005 did not include the initialed copy of the PTO-1449 form indicating that the Examiner had considered the Information Disclosure Statement. Applicants submit with this Amendment a copy of the PTO-1449 form, the Information Disclosure Statement document, and a copy of the return postcard indicating that the Patent Office had received the IDS. Applicants request an initialed copy for their records to complete the file.

Applicants also note the rejection again of claims 1, 2, 4, 6-8, 10, 12-14, 16, 18-20, 22, 24, 25, 29, 31 and 35 as anticipated by U.S. Patent No. 5,699,403 to Ronnen and the other claims as obvious over Ronnen in view of U.S. Patent No. 5,751,965 to Mayo et al. (hereinafter "Mayo") or Ronnen in view of U.S. Patent No. 5,787,235 to Smith et al. (hereinafter "Smith").

Applicants have amended the claims to place the case in condition for allowance. All independent claims now recite the novel and un-obvious structure and function wherein each analysis program is operative to run as a separate program and produce an initial data source separate from any data sources

In re Patent Application of:

FOX ET AL.

Serial No. **09/500,108**

Filing Date: **2/8/00**

produced by respective other programs also running to produce a plurality of initial data sources used in creating the system object model database.

For example in figure 5 of the present application, the data sources 200 are generated from the separate, non-integrated network vulnerability analysis programs, which could be commercially off-the-shelf computer programs supplied by different vendors. Each program is operative to run and produce a separate data source, which are used together to form the system picture as a complete system object model. The fuzzy logic processing and fact-based fuzzy logic processing are applied to form the media report as set forth in this high-level diagram.

The claimed invention as now presented in this amendment is opposite from Ronnen because Ronnen shows initial data sources as a network-level reference data 7, an interface module 25, and an abnormal conditions data buffer 9 that receives a failure data history 3 or data collection and processing module data 5 from the network 1. These data sources are input into the modules (13-21), which can also receive alarm-related data and inputs from the interface module and external conditions in planned activities and reference data computed in the off-line subsystem. Any computed values are output into a buffer, in which risk values are computed through an associated processor. This is explained in detail in Figure 1 and at columns 4-6.

Ronnen teaches opposite because Ronnen must use different data sources as the inputs into its software modules as compared to the claimed invention as now presented (and described in the specification), where each analysis program

In re Patent Application of:

FOX ET AL.

Serial No. **09/500,108**

Filing Date: **2/8/00**

is operative to run as a separate program and produce an initial data source, separate from any data sources produced by other respective programs that are also running. The system and method as claimed produces a plurality of initial data sources that are used for creating the system object model database. Ronnen is also opposite because it can use the same data source as compared to the claimed invention in which each separate program produces a separate source of initial data. For example, in Ronnen, the abnormal conditions data buffer 9 is a data input for two different programs or modules, for example, 1) the risk and failure probability module 13 and 2) the indirect risk module 15 as shown in FIG. 1 of Ronnen. This is contrary to the claimed invention as now presented in which each analysis program is operative to run as a separate program and produce an initial data source without taking data from another source.

Applicants also contend that the combination of Ronnen and Mayo or Ronnen and Smith do not disclose or suggest the claimed invention as now presented in this After Final Amendment. At most, Mayo suggests the use of a graphical user interface as a network model map, directed to the network management of connections to other relationships among entities making up the communications network. In Mayo, the conditions of the relationship can be color-coded. These conditions could be indicative of an operational status, a faulty status, an unknown status, a disabled status, or a not communicating status. Nowhere does Mayo suggest the assessing of a security posture of a network using separate, non-integrated network vulnerability/risk analysis programs, each operative to run and form an initial data source that is used

In re Patent Application of:
FOX ET AL.
Serial No. **09/500,108**
Filing Date: **2/8/00**

with the other data sources produced by the other analysis programs to create the system object model database. Mayo also teaches opposite and suggests a graphical user interface as operative with coordinated devices and not separate, non-integrated programs as set forth in this amendment.

As to Smith, it is directed to a fuzzy-logic-based evidence fusion tool for network analysis, and more particularly, for predicting function levels of a switch in a telecommunications network. A fuzzy map is established with a confidence factor for a switch in a degree of truth for each rule of a functional level of the switch. It is established by applying a set of fuzzy evidence fusion rules and determining the maximum combined confidence factor and assigned to the switch a function level corresponding to the maximum confidence level.

At most, Smith would suggest in combination with Ronnen the assignment of different function levels for the denoted programs that are integrated through the backplane of Ronnen. Again, as with Mayo, Smith teaches opposite from the claimed invention.

Applicants submit that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

In re Patent Application of:
FOX ET AL.
Serial No. **09/500,108**
Filing Date: **2/8/00**



Respectfully submitted,

RICHARD K. WARTHER
Reg. No. 32,180
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Phone: 407-841-2330

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 31st day of October, 2005.